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1946 **File No.** Industrial Employment II/46.

Legal Department

B **BRANCH**

P.2(E) 1946

Subject:— Rules and Notifications under the Industrial Employment (Standing Orders) Act, 1946.

File No. Industrial Employment II/46.

Gen. 194 a.

486-B

Office of the R.L.A.

The Industrial Employment (Standing Orders) Act, 1946, (XX of 1946), came into force on 23rd April 1946, when it received the assent of the Governor-General. Under section 3(1), within six months from the date on which that Act become applicable to an industrial establishment, the employer has to submit to the Certifying Officer 5 copies of the standing orders proposed by him for adoption for his establishment. Under sub-section (3) of section 1, the Act applies to all industrial establishments referred to therein. Under section 13, an employr who fails to submit draft standing orders as required by section 3 is punishable with fine up to five thousand rupees.

2. The six months period allowed under section 3(1), having expired on 23rd October 1946, all employrs of such industrial establishments have become liable to the penalty provided under section 13(1, Any exemption now granted will not avail them. The only way to save the employers is not to launch a prosecution against them. This the Government can do without granting any exemption under section 14.

3. The draft notification forwarded by D.S.,P.&S.D., at page 11 grants exemption to all industrial establishments in respect of which the Provincial Government is the appropriate Government. Under the proviso to sub-section (3) of section 1, nothing in that Act applies to <u>any industry</u> to which before the commencement of that Act the provisions of Chapter V of the Bombay Industrial Disputes Act,1938, have been applied. No exemption under section 14 need therefore be granted in respect of such industrial establishments.

4. Also exemption under section 14 cannot be granted up to a certain date as proposed by the P.& S.D. till the 31st December 1916. The proper way will be to grant exemption and to cancel the notification on the date after which the exemption is to be withdrawn.

Sd/-

Remembrancer of Legal Affairs.

U.O.N. to P.& S.D.No.9176, dated the 17th December 1916.

RHB.
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